

Senate Study Bill 3127 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to county recorder duties, fees, and
2 recordkeeping.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. "*Document*" means a snowmobile
4 certificate of title, registration certificate or registration
5 renewal, user permit, or duplicate special registration
6 certificate issued by the county recorder's office.

7 Sec. 2. Section 321G.27, subsection 1, Code 2014, is amended
8 to read as follows:

9 1. *a.* The county recorder shall collect a writing fee of
10 one dollar and twenty-five cents for ~~a snowmobile registration~~
11 ~~or for renewal of a registration~~ each document issued by the
12 county recorder's office.

13 ~~*b.* The county recorder shall retain a writing fee of one~~
14 ~~dollar and twenty-five cents from the sale of each user permit~~
15 ~~issued by the county recorder's office.~~

16 ~~*c.* The county recorder shall collect a writing fee of~~
17 ~~one dollar and twenty-five cents for each duplicate special~~
18 ~~registration certificate issued by the county recorder's~~
19 ~~office.~~

20 ~~*d.*~~ *b.* Writing fees collected or retained by the county
21 recorder under this chapter shall be deposited in the general
22 fund of the county.

23 Sec. 3. Section 321G.29, subsection 7, Code 2014, is amended
24 to read as follows:

25 7. The county recorder shall keep and maintain a an
26 electronic record of any certificate of title which the county
27 recorder issues ~~and shall keep each certificate of title on~~
28 ~~record~~ until the certificate of title has been inactive for
29 five years. When issuing a title for a new snowmobile, the
30 county recorder shall obtain and keep the certificate of origin
31 ~~on file a copy of the certificate of origin.~~ When issuing a
32 title and registration for a used snowmobile for which there is
33 no title or registration, the county recorder shall obtain and
34 keep on file the affidavit for the unregistered and untitled
35 snowmobile.

1 Sec. 4. Section 321G.30, subsection 1, Code 2014, is amended
2 to read as follows:

3 1. The county recorder shall charge a ten dollar fee to
4 issue a certificate of title, a transfer of title, a duplicate,
5 or a corrected certificate of title plus a writing fee as
6 provided in section 321G.27.

7 Sec. 5. Section 321G.32, subsection 1, paragraph a, Code
8 2014, is amended to read as follows:

9 a. To perfect the security interest, an application for
10 security interest must be presented along with the original
11 title. The county recorder shall note the security interest on
12 the face of the title and ~~on~~ in the copy in electronic record
13 maintained by the recorder's office.

14 Sec. 6. Section 321I.1, Code 2014, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 10A. "*Document*" means an all-terrain
17 vehicle certificate of title, vehicle registration or
18 registration renewal, user permit, or duplicate special
19 registration certificate issued by the county recorder's
20 office.

21 Sec. 7. Section 321I.29, subsection 1, Code 2014, is amended
22 to read as follows:

23 1. a. The county recorder shall collect a writing fee of
24 one dollar and twenty-five cents for ~~an all-terrain vehicle~~
25 ~~registration or for renewal of a registration~~ each document
26 issued by the county recorder's office.

27 ~~b. The county recorder shall retain a writing fee of one~~
28 ~~dollar and twenty-five cents from the sale of each user permit~~
29 ~~issued by the county recorder's office.~~

30 ~~c. The county recorder shall collect a writing fee of~~
31 ~~one dollar and twenty-five cents for each duplicate special~~
32 ~~registration certificate issued by the county recorder's~~
33 ~~office.~~

34 ~~d.~~ b. Writing fees collected or retained by the county
35 recorder under this chapter shall be deposited in the general

1 fund of the county.

2 Sec. 8. Section 321I.31, subsection 7, Code 2014, is amended
3 to read as follows:

4 7. The county recorder shall keep and maintain a an
5 electronic record of any certificate of title which the
6 county recorder issues ~~and shall keep each certificate of~~
7 ~~title on record~~ until the certificate of title has been
8 inactive for five years. When issuing a title for a new
9 all-terrain vehicle, the county recorder shall obtain and keep
10 the certificate of origin on file ~~a copy of the certificate~~
11 ~~of origin~~. When issuing a title and registration for a
12 used all-terrain vehicle for which there is no title or
13 registration, the county recorder shall obtain and keep on file
14 the affidavit for the unregistered and untitled all-terrain
15 vehicle.

16 Sec. 9. Section 321I.32, subsection 1, Code 2014, is amended
17 to read as follows:

18 1. The county recorder shall charge a ten dollar fee to
19 issue a certificate of title, a transfer of title, a duplicate,
20 or a corrected certificate of title plus a writing fee as
21 provided in section 321I.29.

22 Sec. 10. Section 321I.34, subsection 1, paragraph a, Code
23 2014, is amended to read as follows:

24 a. To perfect the security interest, an application for
25 security interest must be presented along with the original
26 title. The county recorder shall note the security interest on
27 the face of the title and ~~on in the copy in~~ in the electronic record
28 maintained by the recorder's office.

29 Sec. 11. Section 331.602, subsection 39, Code 2014, is
30 amended to read as follows:

31 39. Accept applications for passports if approved to accept
32 such applications by the United States department of state.

33 Sec. 12. Section 359A.10, Code 2014, is amended to read as
34 follows:

35 **359A.10 Entry and record of orders.**

1 Such orders, decisions, notices, and returns shall be
2 entered of record at length by the township clerk, and a copy
3 thereof certified by the township clerk to the county recorder,
4 who shall record the same in the recorder's office in a ~~book~~
5 ~~kept for that purpose~~ the manner specified in sections 558.49
6 and 558.52, and index such record in the name of each adjoining
7 owner as grantor to the other. The county recorder shall
8 collect fees specified in section 331.604.

9 Sec. 13. Section 462A.5, subsection 1, paragraph a, Code
10 2014, is amended to read as follows:

11 a. The owner of the vessel shall file an application
12 for registration with the appropriate county recorder on
13 forms provided by the commission. The application shall be
14 completed and signed by the owner of the vessel and shall
15 be accompanied by the appropriate fee, and the writing fee
16 specified in section 462A.53. Upon applying for registration,
17 the owner shall display a bill of sale, receipt, or other
18 satisfactory proof of ownership as provided by the rules of the
19 commission to the county recorder. If the county recorder is
20 not satisfied as to the ownership of the vessel or that there
21 are no undisclosed security interests in the vessel, the county
22 recorder may register the vessel but shall, as a condition of
23 issuing a registration certificate, require the applicant to
24 follow the procedure provided in section 462A.5A. Upon receipt
25 of the application in approved form accompanied by the required
26 fees, the county recorder shall enter it upon the records
27 of the recorder's office and shall issue to the applicant a
28 pocket-size registration certificate. The certificate shall
29 ~~be executed in triplicate, one copy to be~~ and delivered to the
30 ~~owner, one copy to the commission, and one copy to be retained~~
31 ~~on file by the county recorder.~~ The county recorder shall
32 keep and maintain an electronic record of each registration
33 certificate issued by the county recorder under this chapter.
34 The registration certificate shall bear the number awarded
35 to the vessel, the passenger capacity of the vessel, and the

1 name and address of the owner. In the use of all vessels
2 except nonpowered sailboats, nonpowered canoes, and commercial
3 vessels, the registration certificate shall be carried either
4 in the vessel or on the person of the operator of the vessel
5 when in use. In the use of nonpowered sailboats, nonpowered
6 canoes, or commercial vessels, the registration certificate
7 may be kept on shore in accordance with rules adopted by the
8 commission. The operator shall exhibit the certificate to a
9 peace officer upon request or, when involved in an occurrence
10 of any nature with another vessel or other personal property,
11 to the owner or operator of the other vessel or personal
12 property.

13 Sec. 14. Section 462A.5, subsection 4, paragraphs a and d,
14 Code 2014, are amended to read as follows:

15 a. If a person, after registering a vessel, moves from
16 the address shown on the registration certificate, the person
17 shall, within ten days, notify the county recorder in writing
18 of the old and new address. ~~If appropriate, the county~~
19 ~~recorder shall forward all past records of the vessel to the~~
20 ~~recorder of the county in which the owner resides.~~

21 d. ~~If a registration certificate is lost, mutilated or~~
22 ~~becomes illegible, the owner shall immediately make application~~
23 ~~for and obtain a duplicate registration certificate by~~
24 ~~furnishing information satisfactory to the county recorder. A~~
25 ~~fee of one dollar plus a writing fee shall be paid to the county~~
26 ~~recorder for~~ may issue a duplicate registration certificate
27 upon payment of one dollar plus a writing fee as provided in
28 section 462A.53.

29 Sec. 15. Section 462A.77, subsection 7, Code 2014, is
30 amended to read as follows:

31 7. The county recorder shall keep and maintain a an
32 electronic record of any each certificate of title ~~which issued~~
33 by the county recorder ~~issues and shall keep each certificate~~
34 ~~of title on record~~ under this chapter until the certificate of
35 title has been inactive for five years.

1 Sec. 16. Section 462A.84, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:

3 a. To perfect the security interest, an application for
4 security interest must be presented along with the original
5 title. The county recorder shall note the security interest on
6 the face of the title and ~~on~~ in the copy in electronic record
7 maintained by the recorder's office.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to certain county recorder fees and
12 recordkeeping.

13 The bill makes technical changes related to the writing
14 fees collected for the issuance of registrations, registration
15 renewals, user permits, and duplicate special registration
16 certificates charged by a county recorder for snowmobiles and
17 all-terrain vehicles. The bill also requires that a county
18 recorder collect a writing fee of \$1.25 for each certificate of
19 title issued by the recorder for snowmobiles and all-terrain
20 vehicles.

21 The bill makes changes to the recordkeeping requirements for
22 certificates of title for snowmobiles, all-terrain vehicles,
23 and boats. Under current law, the county recorder is required
24 to keep a physical record of such documents. The bill requires
25 that the county recorder keep and maintain such records
26 electronically. The bill makes corresponding changes related
27 to electronically noting security interests for snowmobiles,
28 all-terrain vehicles, and boats.

29 The bill modifies the current requirement that a county
30 recorder accept passport applications by providing that the
31 recorder may do so only if the county recorder is approved by
32 the United States department of state to accept applications.

33 Under current law, a county recorder is required to enter and
34 record certain orders, decisions, notices, and returns related
35 to township fences in a book kept for that purpose. The bill

S.F. _____

1 provides instead that such orders, decisions, notices, and
2 returns be recorded in the same manner as conveyances, which is
3 by index records and alphabetical arrangement.